

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Eva Marie Yee,

CASE No.: 2:19-cv-02010-TSZ

Plaintiff

V.

Assurance IQ, LLC,

Defendant.

**NOTICE OF VOLUNTARY DISMISSAL
OF ACTION WITHOUT PREJUDICE AS
TO THE NAMED PLAINTIFF AND
WITHOUT PREJUDICE AS TO THE
PUTATIVE CLASS**

Plaintiff Eva Marie Yee hereby moves to dismiss the above entitled action without prejudice as to the named Plaintiff and without prejudice as to the Putative Class.

The notice and approval requirements of Federal Rule of Civil Procedure 23(e)¹ are inapplicable to the parties' settlement and dismissal of this Putative Class action because this action has not been certified as a class. Regardless, there is no prejudice to the absent class members because (i) it is highly unlikely that there has been any reliance by putative class members on the filing of this class action to

¹ Federal Rule of Civil Procedure 23(e) states “[t]he claims, issues or defenses of a certified class may be settled, voluntarily dismissed, or compromised only with the Court’s approval.

1 vindicate their rights; (ii) putative class members' claims will not be prejudiced by
2 lack of adequate time to file other actions due to the tolling of the absent class
3 members' claims; (iii) there have been no concessions, impairments or other actions
4 taken by the Parties' counsel that would prejudice the class' claims; and (iv) the
5 putative class members are being dismissed without prejudice

6 WHEREFORE, Plaintiff respectfully requests that this court dismiss this
7 action without prejudice as to the named Plaintiff, and without prejudice as to the
8 Putative Class. This Court retains jurisdiction to enforce the settlement of this
9 action.

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12 Dated: January 23, 2020

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Counsel for Plaintiff

